

## **AMERICAN LEGION POST 85 CONSTITUTION AND BYLAWS**

### **Article 1 - Name**

- Section 1. The name of this organization shall be North Branch Post 85, The American Legion, Department of Minnesota.

### **Article 2 - Objects**

- Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble and the National and Departmental Constitution of the American Legion.

### **Article 3 - Nature**

- Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.
- Section 2. This organization shall be absolutely non-political and shall not be used for dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.
- Section 3. Rank does not exist in the American Legion. No member shall be addressed by his/her military or naval title in any meeting of this Post.

### **Article 4 - Membership**

- Section 1. Eligibility to membership in this Post shall be prescribed by the National Constitution of the American Legion.
- Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.
- Section 3. All applications for membership shall be acted upon at the next committee meeting following the making of such application, and shall at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of members cast their vote against such application, then such application shall be recorded as rejected.

- Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing and a fair trial held upon the same.
- Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present at a Post meeting, and the payment of current dues for the year in which the reinstatement occurs.
- Section 6. No person who has been expelled by a Post shall be admitted to membership in this Post without the consent of the expelling Post, except where such consent has been asked for and denied. by such Post, may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post and shall be ineligible for membership until such permission is granted.

#### **Article 5 - Officers**

- Section 1. The administrative affairs of this Post of the American Legion shall, except as may be otherwise provided by the by-laws, be under the supervision of an executive committee which shall consist of officers of the Post. The Post by its by-laws may provide for such other standing committees as the business of the organization may require.
- Section 2. Officers of this Post shall be Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Sergeant-at-Arms, Service Officer, Judge Advocate and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.
- Section 3. All officers except the Post Adjutant and Judge Advocate shall be elected annually and they shall hold office until their successors are duly installed or otherwise qualified. The Adjutant and Judge Advocate shall be appointed by the Post Commander. Any officer of this Post may be removed for inefficiency by the Executive Committee. A two-thirds vote of said committee is necessary to effect removal.
- Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.



- Section 5. The duties of the officers and the Executive Committee shall be those usually pertaining to such officers and committee members and as further provided in the by-laws.

#### **Article 6 - Finance**

- Section 1. The revenue of this Post shall be derived from annual membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Executive committee.
- Section 2. The amount of the annual Post dues or initiation fees shall be determined by this Post.
- Section 3. The Post shall pay to Departmental headquarters the National, Department and **District** dues for every member of the Post.

#### **Article 7 - Charter Members**

- Section 1. Members who joined this Post prior to the issuance of the permanent charter shall be known as charter members.

#### **Article 8 - Auxiliary**

- Section 1. This Post recognizes an Auxiliary organization to be known as Auxiliary Unit of North Branch, The American Legion Post 85.
- Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

#### **Article 9 - Amendments**

- Section 1. This constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Department Constitution of the Department of Minnesota American Legion. Any amendment to the said National Constitution or Department Constitution, which is in conflict with any provisions thereof, shall be regarded as automatically repealing or modifying the provision of this constitution to the extent of such conflict.

- Section 2. This constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment **to the Constitution and Bylaws** shall have been submitted in writing and read at the preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least five days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

## **BY-LAWS**

### **Article 1**

- Section 1. The Post existing under these By-Laws is to be known as North Branch Post 85, The American Legion, Department of Minnesota.
- Section 2. The objects of this Post are as set forth in the Constitution.

### **Article 2 - Management**

- Section 1. The government and management of the Post is entrusted to an executive committee composed of the Post officers and the immediate Past Commander of the Post to be known as the Executive Committee.
- Section 2. The Executive Committee shall consist of the officers of the Post, both elected and appointed. Appointed officers are the Adjutant and the Judge Advocate. The Junior Past Commander is automatically a member of the Executive Committee until such time as the current Commander is replaced in another election and then he becomes the Junior Past Commander. Annual election will be held the first regular meeting in May with officers being installed at the regular or a special meeting in July thereafter. Officers will assume office at the "new business" session at the July meeting.



Section 3. All vacancies existing in any office of the Post except that of Adjutant arising from any cause other the expiration of term shall be filled by appointment by the Commander and approved by majority vote of the remaining members of the executive committee and a person appointed shall hold office for the unexpired term of that officer or committee member whom he/she succeeds.

A vacancy shall exist when an officer is absent from his Post for a continuous period considered detrimental to the interest of the Post by the Post executive committee. Missing three meetings in a row without a valid excuse shall be considered detrimental to the interest of the Post. Meetings shall consist of any combination of executive and regular meetings totaling three.

Section 4. The new Commander, elected in May, shall observe the present Commander at upcoming functions: Memorial Day, Midsummer Celebration, District Convention, etc.

### **Article 3 - Post Executive Committee**

Section 1. The Post executive committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of officers. Thereafter, the Post executive committee shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post executive committee upon the joint written request of three or more members of said Post executive committee. Three members constitute a quorum of said executive committee.

Section 2. The Post executive committee shall approve all committee reports in regard to employment and payment of personnel for said organization. It shall approve all expenditures in excess of \$500.00 for any one item that has not been previously budgeted and approved by the Post membership.

#### **Article 4 - Duties of Officers and Chairmen**

- Section 1. Duties of the Post Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business affairs of the Post, and such officer shall be the Chief Executive Officer of the Post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the upcoming year which shall be read and attached to the minutes at the final (July) meeting of that year.
- Section 2. Duties of the Vice-Commanders: The First Vice Commander shall assume and discharge the duties of the Commander in his/her absence or when called upon by the Commander. He/She is membership director and makes all reports on membership. The Second Vice Commander is the organizer for social events of the Post. Both Vice Commanders will perform duties delegated to them by the Commander or written in the Post Officers Guide.
- Section 3. Duties of the Post Adjutant: The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National organizations may require, and under the direction of the Commander handle all correspondence of the Post. The adjutant shall keep record of all transactions from all meetings, including gaming, Building Finance, and Audit Committee, Executive Committee, and any other meeting which may occur. The Post Adjutant shall supervise the filing of yearly reports to the District, Department, and National organizations.
- Section 4. Duties of the Finance Officer: The finance officer of the Post shall have charge of all finances except gambling and see that they are safely deposited in some local bank or banks, shall report once a month to the executive committee and the membership the condition of the finances of the Post. He/She shall sign all checks disbursing the money of the Post. He/She shall furnish such surety bond in such sum as shall be fixed by the Post executive committee. All checks will have two signatures for payment.



- Section 5. Post Chaplain: The chaplain shall be charged with the spiritual welfare of Post comrades and will offer divine non-sectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the national or department headquarters.
- Section 6. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may from time to time be assigned to him/her by the Post Commander. He/She shall attend all Post functions.
- Section 7. The Judge Advocate's primary duty is to provide professional advice on the conduct of the Post business or to procure proper counsel. The Judge Advocate and the **Building Finance and Audit Committee** are charged with the duty of auditing the Post financial accounts. Auditing should be done annually before election of officers or whenever requested by the Post membership.
- Section 8. Duties of the Building and Finance Chairman: The duty of this chairman is to prepare an agenda for the committee meetings, conduct the meetings, and report the monthly operations regarding the building and finance at the monthly membership meeting. The Chairman shall call a special meeting if concerns occur pertaining to operations or if there are issues related to the bar and building. There must be a quorum of at least four members from the committee to act on these issues. At no time can the Chairman of this committee act on issues or concerns without the consent of the majority of the Building and Finance Committee. The Commander shall be notified of committee and special meetings.

#### **Article 5 - Delegates**

- Section 1. Delegates determined by total membership of the Post in conjunction with District and Department delegate strength shall be nominated and elected at a regular Post meeting prior to the District and/or Department Convention dates. Delegates to the Convention/Conference are Commander, First Vice Commander, District or Department officers or chairmen. Remaining authorized delegates or alternates will be elected by the membership. Delegates to the Conventions/Conferences will cast the vote of the general membership on special issues.

---

with the promotion of public support of the Legion programs.

- Section 5. Midsummer: The Chairman shall be charged with organizing and supervising all affairs pertaining to the annual Midsummer Celebration with the consent of the Post Commander.

Section 7. Americanism Chairman: The chairman shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observation of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-America propaganda by education of the general public in American ideals, through public forums, etc., and activities for community and civic betterment.

Section 9. Children and Youth Chairman: The chairman shall organize and promote programs for the children of the community such as school parties, senior lock-up, Halloween parties, Cub Scouts, etc.

Section 10. Building, Finance and **Audit** Committee: The Building, Finance and Audit committee shall be charged with the construction and operation of the Post building and bar and shall be charged with the responsibility to the body membership in all things relating thereto. Said committee is to consist of seven members, one of which shall be the Post Commander.

Each of the elected six members shall be seated on said committee for a period of three years to expire consecutively and not concurrently, so as to place two members on said committee up for election annually, except that of the Commander, which shall be filled in the manner as provided for the election of the Commander. The Building committee chairman will be a member serving his third year term, elected by the committee. The remaining three year member will serve as secretary. The Commander will cast the deciding vote in case of a tie.

Section 11. Gaming Committee: The committee will consist of the Gaming Manager, **Assistant Gaming Manager** and all members of the Executive Committee. This committee will have the responsibility of the gaming operations and will report to the Post membership on all matters requiring approval. Chairman of this committee will be the Gaming Manager.

Section 12. Weekly, biweekly and monthly salaried members of the Post shall not be elected/appointed to the **Executive Committee except for the adjutant**. Vacancies occurring by resignation or other means will be appointed by the Commander with the final approval of the Executive Committee.



## **Article 7 - Resolutions**

- Section 1 All resolutions of state or national scope presented to this Post or reported to this Post by a committee shall merely embody the opinions of this Post on the subject and a copy of same shall be forwarded to the District headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **Article 8 - Meetings**

- Section 1. The regular meetings of the Post shall be held the second Tuesday of each month at the Post rooms at 7:00 p.m Regular meetings will be held at the Post Home unless otherwise changed. Change has to be given at least seven (7) business days prior to meeting date and time.
- Section 2. Building, Finance and Audit meetings will be held at 6 p.m. on the first Monday of the month. Executive Board meetings will be held at 6:45 p.m. on the first Monday of the month. Meetings are subject to change in case of holidays or other conditions. Notification of special meetings must be made at least five (5) business days prior to the meeting.
- Section 3. The Post Commander or a majority of the executive committee shall have the power to call a special meeting of the Post at any time.
- Section 4. Upon written request of five percent of the Post members the committee shall call a special meeting of the Post.
- Section 5. Five Post members including three officers shall constitute a quorum. A member for this purpose should be an individual whose dues are paid for the current year.
- Section 5. Commander is an ex-officio member of all committees.

## **Article 9 - Notices**

- Section 1. Every member shall furnish the Post Adjutant or Post Membership Chairman with his or her new address for mailing purposes.
- Section 2. The Post Adjutant shall cause notice of annual election to be given at least 30 days prior thereof.
- Section 3. Written notice of a vote to take place at a regular meeting to amend or change the Bylaws shall be given to all members. Notice may be by web site, email, flyers or newspapers.

## **Article 10 - Rules of Order**

- Section 1. All proceedings of the Post shall be conducted under and pursuant to "Robert's Rules of Order" except as herein otherwise provided.

## **Article 11 - Limitations of Liabilities**

- Section 1. This Post shall incur or cause to be incurred any liability or obligation whatever which shall subject to liability any other Post, subdivision, group of non-members of The American Legion or other individual corporations or organizations.